

REMARKS

The Office Action dated August 4, 2009 has been received. Claims 49-96 are pending. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Obviousness Rejection of Claims 49-58

At page 2 of the Office Action, claims 49-58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Date (U.S. Patent No. 5,959,677) in view of Guetz (U.S. Patent No. 6,091,777). This rejection is respectfully traversed.

Independent claim 49 recites the features of: “selecting . . . a first set of one of more multimedia channels of a plurality of multimedia channels of a first data stream responsive to determining a transmission of the first data stream is not expected to meet a predetermined criteria . . .;” “compressing . . . each multimedia channel of the first set to generate a second set of one or more multimedia channels;” and “generating . . . a second data stream comprising the second set of multimedia channels and the one or more multimedia channels of the plurality of multimedia channels not selected for the first set.” The Office relies on Date as disclosing each of the above-listed features of claim 49. *See Office Action*, p. 2.

As noted in the previous Response, Date discloses a technique of multiplexing “video/audio” signals allocated to different channels along with “digital data” for transmission via a transmission path. *See Date*, Abstract. Date teaches that when the “transmission rate Ra” is higher than the “maximum transmission rate Rm,” the variable-rate encoders 30 that encode the “video/audio signals” are controlled to reduce or “compress” each of the “video/audio” signals being transmitted so as to lower the transmission rate below the maximum transmission rate. *See Id.*, col. 5, lines 36-47 (“Incidentally, in the case where the transmission rate Ra is higher than the maximum transmission rate Rm . . ., the transmission rate evaluation control portion 3 supplies control signals 501 to the variable-rate encoders 30 so that the quantities of information generated in the variable-rate encoders 30 are reduced . . .”)(emphasis added). Thus, assuming, *arguendo*, that the transmission rate Ra being higher than the maximum transmission rate Rm constitutes not meeting a predetermined criteria, Date discloses that every “video/audio

signal” is “compressed” when the predetermined criteria is not met. The Office attempts to overcome this aspect of Date by reading claim 49 as reciting “generating a second stream comprising the second set of channels and the channels not selected for the first set” and then proposing that “since all the channels were selected in the first set, there will be no channels not selected in Date.” *See Id.*, pp. 2-3. However, it is respectfully submitted that the Office has misinterpreted the language of claim 49. Claim 49 does not recite “generating a second stream comprising the second set of channels and the channels not selected for the first set” as stated by the Office, but instead recites “generating . . . a second data stream comprising the second set of multimedia channels and the one or more multimedia channels of the plurality of multimedia channels not selected for the first set.” This emphasized phrase (“the one or more multimedia channels . . . not selected for the first set”) in claim 49 explicitly provides that there is **at least one** multimedia channel not selected for the first set. As such, the Office’s observation that “there will be **no** channels not selected in Date” further establishes the failure of Date to disclose the feature of “generating . . . a second data stream comprising the second set of multimedia channels and the one or more multimedia channels of the plurality of multimedia channels not selected for the first set” as recited by claim 49. The disclosure of Guetz fails to compensate for the deficiencies of Date with respect to this feature of claim 49. Accordingly, the proposed combination of Date and Guetz fails to disclose or render obvious each and every feature recited by claim 49, as well as the particular combinations of features recited by claims 50-58 at least by virtue of their dependency from claim 49. Moreover, these dependent claims recite additional novel and non-obvious features.

In view of the foregoing, reconsideration and withdrawal of the obviousness rejection is respectfully requested.

Obviousness Rejection of Claims 59-96

At page 4 of the Office Action, claims 59-96 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Date in view of Guetz in further view of Putzolu (U.S. Patent No. 6,584,509). This rejection is respectfully traversed.

As noted above, the combination of Date and Guetz fails to disclose or render obvious each and every feature recited by claim 49. The Office does not assert that Putzolu compensates

for the deficiencies of Date and Guetz with respect to the above-identified features of claim 49, nor in fact does Putzolu disclose or render obvious these features, individually or in combination with Date and Guetz. Independent claims 65 and 81 recite features similar to those features of claim 49 discussed above and therefore the proposed combination of Date, Guetz, and Putzolu fails to disclose or render obvious each and every feature recited by either of claims 65 and 81 for at least the reasons described above. The proposed combination of Date, Guetz, and Putzolu also fails to disclose or render obvious the particular combinations of features recited by claims 59-64, 66-80, and 82-96 at least by virtue of their respective dependencies from one of claims 49, 65, or 81. Moreover, these dependent claims recite additional novel and non-obvious features.

To illustrate, dependent claim 63 recites the additional features of “wherein the predefined selection method [used to select one or more multimedia channels] includes selecting an uncompressed multimedia channel over a compressed multimedia channel.” The Office asserts that “although not disclosed, it would have been obvious to select an uncompressed channel over a compressed channel (Official Notice)” in that “[d]oing so would have been obvious in order to provide a high-quality lossless image to a user.” *Office Action*, p. 5. However, it is noted that claim 63 is rejected on a combination of references that relies on the disclosure of Putzolu for the “selection method”. As the Office notes, Putzolu teaches a “round robin method”, which is not consistent with a preferential selection such as selecting an uncompressed multimedia channel over a compressed multimedia channel. Thus, it is unclear how it would be obvious in view of Putzolu to disregard the round robin selection of Putzolu for the incompatible preferred selection technique of selecting an uncompressed multimedia channel over a compressed multimedia channel as provided by claim 63. For this same reason, it is unclear as to why it would be obvious in view of the non-prioritizing selection method taught by Putzolu to arrive at the feature of “wherein the predefined selection method comprises a prioritization of the plurality of multimedia channels” recited by claim 94.

As another example, claim 64 recites the features of “compressing in a first manner in response to determining a multimedia channel being compressed has not been compressed in the first manner” and “compressing in a second manner in response to determining the multimedia channel being compressed has been compressed in the first manner.” Claim 94 recites similar

features. Date fails to disclose any mechanism for determining whether an “audio/video signal” being encoded has been “compressed” in any manner, much less that the “audio/video signal” would be encoded in a “second manner” if so determined. The Office therefore turns to FIGS. 3 and 4 of Guetz without providing any interpretation or further discussion. *See Office Action*, p. 5. However, no disclosure relating to determining whether a multimedia channel has been compressed in a first manner, and if so, instead compressing it in a second manner can be found in the FIGS. 3 and 4 of Guetz or in the related passages of Guetz. It therefore is respectfully submitted that the Office has failed to make a *prima facie* case for Guetz’s disclosure of the features of claim 64.

In view of the forgoing, reconsideration and withdrawal of the obviousness rejections is respectfully requested.

Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Respectfully submitted,

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September 21, 2009
Date